

Minutes of the Land Use, Parks and Environment Committee - March 18, 2003

The meeting was called to order by Chair Kolb at 8:35 a.m.

Present: Chair Walter Kolb, County Board Supervisors Pauline Jaske, Scott Klein, Vera Stroud, Daniel Pavelko (arrived at 9:07 a.m.), Matt Thomas (arrived at 8:46 a.m.); **Absent:** James Jeskewitz
Staff Present: Legislative Policy Advisor Mark Mader, Legis.Associate Sandra Meisenheimer
Also Present: Planning & Zoning Manager Dick Mace, Senior Planner Kathy Moore, Parks System Manager Jim Kavemeier, Solid Waste Supervisor Karen Fiedler, Environmental Health Manager George Morris, Senior Financial Analyst Andy Thelke
Public Present: Fred Oakland of Mukwonago Planning Commission, Matt Wade of Waukesha Memorial Hospital (ProHealth)

Approve Minutes of March 4, 2003

Motion: Stroud moved, second by Klein, to approve the minutes of 3/4/03. **Motion carried 4 – 0.**

Read Correspondence

Kolb addressed the following items:

1. Letter from Planning and Zoning Mgr. Mace to Tom Farley regarding the Waukesha County Street and Highway Width Map.
2. Letter to Dick Mace regarding the Southeast Fox Partnership encouraging careful consideration of any amendment to the Waukesha County Land Development Plan as it relates to the Mukwonago River Valley.

Executive Committee Report

Kolb reported on items that were reviewed, discussed and/or considered at the meeting of 3/10/03.

Consider Proposed Ordinance: 157-O-037 Amend the Text of the Town of Mukwonago Zoning Ordinance by Creating Section 3.12(7) as it Relates to “Permitting of Utility Cabinets” (ZT-1453) -

(Referred back to LUPE Committee by the County Board on 8/27/02)

Mace and Moore were present. Moore reviewed the changes by the Town of Mukwonago as outlined in their Ordinance No. 2003-3. Moore stated one of the concerns by the Land Use Committee was the size and number of cabinets so they corresponded with the three utilities (WE Energies, Warner Cable and CenturyTel) to ascertain what their cabinet sizes were for individual lots. Regarding concerns about screening, some ordinance changes were made. They also made some changes concerning the contiguous property owners. Moore stated they've tried to be more specific rather than giving a broad range. They've detailed the types of utilities and maximum size of cabinets for the small utility cabinet. Any cabinet more than 6 feet in height, considered a large cabinet, will require Town Board approval. Anything larger than the large cabinet would require a conditional use hearing. Moore stated these are basically the changes that were made.

Klein said these changes have not met his concerns. Klein passed around photos of cabinets on Highway G. Klein said he doesn't care what size they are. When a new subdivision is being developed next to a lot, the cabinets are put on the lot line which is where they should be. This is what you get (referring to the photos) so now he would be required to screen it if he wanted to for the large, small or any other size cabinet. Kolb said this ordinance has gone back two times and if the Town feels it is acceptable, he would hope that the committee would not micro-manage what the Town does in good faith and as a responsible way of handling a problem.

Klein said this doesn't have to do with every subdivision or every new subdivision only if something new is placed next to an existing residential lot. If someone lives there today and

something is being put in their backyard, at least have the decency to tell them that it will be there, and the utility might have to do something about it.

Thomas stated landscaping is so subjective. If you look at the way people maintain their properties, everyone does it differently and has different ideas. He stated in addition to the idea of who is going to pay for it and maintain it, you also have to consider the remedy here might not even rectify the problems that you're trying to address. Klein replied that the people who are already there should be protected. Jaske said if you wanted to do a really thorough job on this you would have to address the utility's problem of getting to the box. She stated at this point we are worrying about something that we don't need to. When a problem arises there will be time to address it. It just isn't as big an issue as is being made of it.

Motion: Jaske moved, second by Thomas, to approve Proposed Ordinance 157-O-037 as amended.
Motion carried 5 – 1; Klein voting no.

Consider Proposed Ordinance: 157-O-127 Amend the District Zoning Map of the Town of Mukwonago Zoning Ordinance by Conditionally Rezoning Certain Lands Located in Part of the SW ¼ of Section 35, T5N, R18E, Town of Mukwonago, Waukesha County, Wisconsin, from the R-2 Residential District to the R-3 Residential District (ZT-1473)

Mace stated this rezoning involves two parcels. He explained the ordinance which proposes zoning to the R-3 Residential District, which requires 20,000 sq.ft. minimum lot sizes with a 120 ft. minimum average width and will allow the creation of 2 parcels from 4 parcels. A committee discussion continued.

Motion: Thomas moved, second by Pavelko, to approve Proposed Ordinance 175-O-127.
Motion carried 5 – 1; Klein voting no.

Consider Proposed Ordinance: 157-O-128 Amend the Waukesha County Shoreland and Floodland Protection Ordinance of the Town of Oconomowoc by Conditionally Rezoning Certain Lands Located in Part of the SW ¼ of Section 14, T8N, R17E, Town of Oconomowoc from the A-P Agricultural Land Preservation District to the P-I Public and Institutional District (SZ-1468)

Motion: Thomas moved, second by Jaske, to approve Proposed Ordinance 157-O-128. Mace reviewed the staff recommendation with the committee. The proposed land use is for an in-patient hospice care facility with proposed zoning to P-I Public and Institutional District (Conditional). Matt Wade of ProHealth Care presented site plans for the committee's review. The Planning staff is recommending approval subject to nine conditions as detailed in the staff recommendation. **Motion carried 6 – 0.**

Consider Proposed Ordinance: 157-O-131 Request and Accept State of Wisconsin Department of Natural Resources Funds for a Gypsy Moth Suppression Program

Motion: Jaske moved, second by Stroud, to approve Proposed Ordinance 157-O-131. Kavemeier explained the ordinance which authorizes the Parks and Land Use Department to accept State DNR pass-through Federal grant funding in an amount of up to \$55,000. Eleven participating local municipalities have made application through the county to have a portion of their Gypsy Moth Suppression Program reimbursed by the State DNR. County administrative costs related to coordinating activities will be \$1,040 and are also eligible for grant reimbursement of up to 50% or \$520. **Motion carried 6 – 0.**

Consider Proposed Ordinance: 157-O-129 Authorize Department of Parks and Land Use to Apply for and Accept DNR Recycling Efficiency Incentive Grant

Fiedler explained the ordinance which authorizes the Department of Parks and Land Use to apply for and accept a DNR Recycling Efficiency Incentive Grant (REI). There is a pot of \$1.9 million total for the State. Waukesha County is eligible because of being a responsible unit for 25 municipalities. It will be distributed on a per capita basis so it depends on the number of responsible units that apply. Grant revenues received will be used to reduce or replace the budgeted municipal yard waste tipping fees. If the grant revenues received exceed the \$42,000 budgeted for municipal yard waste tipping fees, the balance would be used to fund additional existing budgeted compost program expenses.

Motion: Thomas moved, second by Pavelko, to approve Proposed Ordinance 157-O-129. **Motion carried 6 – 0.**

Consider Proposed Ordinance: 157-O-130 Intent to Participate in Negotiation and Arbitration Process for Expansion of Metro Recycling and Disposal Facility

Motion: Jaske moved, second by Pavelko, to approve Proposed Ordinance 157-O-130.

Fiedler stated that according to Wisconsin Statutes, Waukesha County is entitled to participate in the negotiation and arbitration process for the proposed expansion of this facility, if the County passes a siting resolution with the information and statement of intent set forth in this resolution. Therefore, the county does intend to negotiate and, if necessary, arbitrate with Waste Management of Wisconsin, Inc. concerning the proposed expansion of its Metro Recycling and Disposal Facility located in the City of Franklin. Fiedler stated that Parks and Land Use Director Shaver would most likely be the individual to serve on the local committee. **Motion carried 6 – 0.**

Environmental Health Program Summary

Morris was present to give an overview of the Environmental Health Division Program for 2002. He reviewed the following areas, page by page, as the committee discussed applicable issues and asked relative questions: Sanitary Permits by System Type 1991-2002; # of Sanitary Permits Issued by Municipality-2002 Total 832 Total Sanitary Permits Issued; 2002 Preliminary Site Evaluation Total; 1995-2002 Bacteriological Water Sample Submissions; 2002 Laboratory Test Results (Public/Private Samples); 2002 Bacteriological Results EH Division Laboratory (Total Samples=2,240) less than 1% tested positive for e -col; Bacteriological Results for Transient Non-Community Systems – 421 systems; Number of Licenses Issued by Facility Type in 2002 (Restaurant-976 licenses, Retail Food-360 licenses, Recreational 216 licenses, Lodging-44 licenses); Humane Animal program 1996-2002 (Rabies, Humane Investigations, Bite Investigations); Environmental Health Revenues 2002 (Water, Septic, Restaurant, Retail Food, Lodging, Rec/Ed, Lead Service Fee, PSE, Radon Grant, Safe Drinking Water Act, Wis. Fund Grant, Dog Licenses); Numbers of Site Assessments Performed in 2002; Pounds of Hazardous Waste Managed in 2002; and Regulatory Reporting Completed in 2002.

Motion: Stroud moved, second by Klein, to accept the 2002 Environmental Health Division Program Summary. **Motion carried 6 – 0.**

Motion to adjourn: Jaske moved, second by Thomas, to adjourn the meeting at 11:21 a.m. Motion carried 6 – 0.

Respectfully submitted,

Pauline T. Jaske
Secretary

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